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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Joseph J. Kubler

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EXAMINER

CHANG, EDITH M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary	Application No. 09/706,592	Applicant(s) KUBLER ET AL.	
	Examiner Edith M. Chang	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18,22-26 and 30-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18,22-26,30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments/Remarks

1. Applicant's arguments with respect to claims 16-18, 26, 31-32, 34 and 35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-18, 26, 31-32, 34 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Grob et al. (US 5,574,773) in view of Handy-Swink (US 5,901,284).

Regarding to **claims 16-18, 26, 31-32, 34 & 35**, in FIG.5, Grob et al. discloses a wireless communication system and its method, the system comprises at least two devices capable of wireless communications, a mobile unit (a *first device*) and a base station (a *second device*). Before establishment of a wireless communication network (310 FIG.5) comprising the base station, the mobile station is sending a modem command ATDT# (308, *a wireless message utilizing a standard modem command format command*) with information (called party, column 6, lines 37-40 '773) concerning the initial establish 330, over a wireless channel (308 FIG.5); and

The base station receives the ATDT# via wireless transmission 308, and establishes the wireless communication network for wireless network communication based on the ATDT command parameters.

Further Handy-Swink teaches substituting for modem information normally associated with the standard modem command, wireless network information which is foreign to the standard modem command format, wherein the CdPN, CgPN, PIN and PASSCODE parameters (FIG.3A-3C, column 23, line 62-column 24, line 25 '284) are formatted in the standard modem command. With PIN and PASSCODE (i.e., ATDT 404-555-1212@PIN, PASSCODE, column 14 lines 1-5 '284) in the standard modem command (ATDT command) parameters for the data connection is well-known in the art and are foreign to the standard modem command format.

As Grob et al. using the standard modem command (ATDT) with the called party number, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have the parameters foreign to the standard modem command taught by Handy-Swink formatted in the standard modem command to access the subscriber's resources providing grater security (column 1, lines 5-10 & column 6, lines 54-59 '284).

4. Claims 22-25, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grob et al. (US 5,574,773) in view of Handy-Swink (US 5,901,284) as applied to claims 18, 26 and 32 above, and further in view of Monroe et al. (US 6,363,335 B1).

Regarding to **claims 22-25**, inherit the limitation of claim 18, Grob does not explicitly specify other AT commands used in the communication over a digital link. However, Monroe et al. teaches the well-known Hayes modem AT command set with additional special codes added to identify particular functionality in Table 2 (column 8, lines 30-35 & column 11, lines 10-30) sending by one wireless capable device before the wireless network (GSM network) is established (FIG.13B) for data connection (SMS messages). As Grob's mobile sending ATDT (or ATD) modem command to establish a data connection in a wireless network, at the time of invention, it would have been obvious to one of ordinary skill in the art to have other AT modem commands taught by Monroe et al. sent by the Grob's mobile to the base station to establish the wireless network for sending data via wireless communication using modems for the purpose of convenience and saving time and reducing the cost (column 2, lines 15-20, lines 30-35 '335).

The modified/combined system and method, in FIG.2 ('773), disclose the terminal equipment 10 communicates with the modem 40 via base station 80, telephone network 30 for data and voice communication/transmission, hence the equipment 10 provides the standard AT modem commands communicating with the other terminal equipment 50, and the standard modem instructions include the ATQ for quiet/responsive mode or ATV for numeric/text. Therefore, the modified/combined system and method discloses the instructions recited in the claims.

Regarding to **claim 30**, inherits the limitation of claim 26, refer to the rationale of the rejection of claim 22, the modified/combined system and method disclose a network

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parameter in the modified modem command to be used in becoming part of a wireless network, such the IP address in the ATD command or the baud rate on the wireless radio in the AT + IPR command (column 5 lines 18-27 and column 11 TABLE 2 '335).

Regarding to **claim 33**, inherits the limitation of claim 32, refer to the rationale of the rejection of claim 22, the modified/combined system and method disclose the network information comprising the time for the response over the wireless connection such as ATS7 setting for waiting time (the wake time) of carrier detecting (column 11 TABLE 2 '335) and such as 10 minutes for ATD wait for the response (column 4 line 60-column 5 line 1 '335). It is well known that Hayes command set extended to support functions related to wireless links, the permutation and combination of parameters appended in the command are not unique.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed H. Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edith Chang
July 10, 2006

A handwritten signature in black ink, appearing to read 'Edith Chang', written in a cursive style.